

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) RUBEN HERNANDEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-CV-14-CVE-FHM
)	
(1) STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

The Petitioner, State Farm Mutual Automobile Insurance Company (“State Farm”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Mayes County, entitled Ruben Hernandez v. State Farm Mutual Automobile Insurance Company, Case No. CJ-15-239. State Farm was served Summons and Petition on December 22, 2015. A copy of Plaintiff’s Petition setting forth his claims for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon State Farm is attached hereto and marked Exhibit 2.

2. State Farm is incorporated and has its principal place of business in the State of Illinois. Plaintiff is a citizen and resident of the State of Texas, residing in Monahans, Ward County, Texas. (*See* Petition, p. 1, ¶ 1, Exhibit 1). Plaintiff’s cause of action is for alleged breach of the implied duty of good faith and fair dealing. The matter in controversy between Plaintiff and Defendant, according to Plaintiff’s demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (*See* Plaintiff’s Petition, p. 3, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after December 22, 2015, the date State Farm was served with a copy of Plaintiff's Petition, which was the initial pleading setting forth the claims for relief upon which this action is based. (*See* Summons and letter from Insurance Commissioner, Exhibit 2).

5. Copies of all process and pleadings served upon State Farm have been attached hereto as follows: Petition, Exhibit 1; Summons (including letter from Insurance Commissioner), Exhibit 2. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 3.

WHEREFORE, State Farm prays this action be removed.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**
A PROFESSIONAL CORPORATION

/s/ John S. Gladd
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Certificate of Service

I hereby certify that on January 7, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lynn R. Anderson
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Tulsa, Oklahoma 74103
Attorneys for Plaintiff

/s/ John S. Gladd

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